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OF RACIAL DISCRIMINATION

# CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 1999

Addendum

## ALGERIA*

[22 May 2000]

* This report contains in a single document the thirteenth and fourteenth periodic reports of Algeria due on 15 March 1997 and 1999 respectively. For the eleventh and twelfth periodic reports of Algeria, contained in a single document, and the summary records of the Committee's meetings at which the reports were considered, see: CERD/C/280/Add.3 and CERD/C/SR.1216-1217, 1235.

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## INTRODUCTION

1. In accordance with article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination, to which Algeria has been party since 14 February 1972, Algeria presented its eleventh and twelfth periodic reports in a single document (CERD/C/280/Add.3) to the fifty-first session of the Committee on the Elimination of Racial Discrimination on 4 and 5 August 1997. The Algerian delegation gave an account of the programme of political and economic reforms, launched after the adoption of the new Constitution of 23 February 1989, for the setting up of new institutions based on political pluralism, the separation of powers, the independence of the judiciary, freedom of expression and the opening of the country to a market economy. It also stated that, at the international level, the Algerian authorities had sought to speed up the process of accession to the various international human rights instruments.

2. Since the submission of that report, the Algerian authorities have continued their efforts to consolidate the rule of law, multi-party democracy and the promotion and protection of human rights, despite the considerable constraints posed by terrorist criminal activity. New institutions were established following the constitutional revision of 28 November 1996, the human rights machinery already in place was strengthened and certain aspects of economic, social and cultural legislation were brought into line with the new situation. Community associations were given increasing encouragement and have developed considerably.

3. In accordance with the guidelines issued by the Committee on the Elimination of Racial Discrimination, this consolidated periodic report comprises two parts. Part One, entitled "General information", describes the country's general political structure and the framework within which efforts to combat racial discrimination are carried out, within the context of human rights protection mechanisms. Part Two contains information on substantive provisions of the Convention.

## PART ONE

### General information

4. Since recovering its independence in 1962, Algeria has endeavoured to establish a welfare State which is based on grass-roots participation and respects human rights and fundamental freedoms. All Algerian constitutions since independence have embodied universal human rights values and principles. It has taken this basic approach further since embracing a multi-party system in 1989, which has given fresh impetus to the process of accession to international human rights instruments. Since then, Algeria has submitted its reports in accordance with its international commitments and maintained and developed a cooperative relationship with all the international mechanisms for the promotion and protection of human rights.

## I. GENERAL POLITICAL STRUCTURE

5. Algeria faced a series of challenges on gaining independence: return of refugees, social and psychological care for the beneficiaries of the victims of the war of national liberation, national reconstruction in all its aspects and setting-up of government structures. The institutions needed to enable a young nation to meet such challenges had to be designed and established and their effectiveness in the context of the time ensured. This reconstruction effort enabled the State to ensure, among other things, compulsory schooling for all, free health care and a policy of full employment.

6. Nevertheless, the political and economic changes that have taken place at the global level, coupled with the constraints that have arisen domestically, have left Algeria from 1988 onwards facing the dual challenge of making a further qualitative advance in the reshaping of its political institutions and of rethinking its economic options.

7. As was the case elsewhere, this transition did not take place without difficulty. The building of a modern democratically functioning State with a transparent administration was hampered by domestic obstacles linked to a single-party culture and economic and social constraints.

8. The political reforms undertaken by the authorities since then, following a lengthy process of dialogue with all political parties which respect the Constitution and laws of the Republic, have resulted in institutions established on the basis of universal suffrage. The adoption by referendum of a revised Constitution on 28 November 1996 further strengthened and extended the scope of freedoms and political pluralism and consolidated the separation of powers and independence of the judiciary.

9. The first multi-party elections for the office of President of the Republic were held on 16 November 1995. They were followed by parliamentary elections in June 1997 and local elections in October of the same year. After all the elected bodies provided for in the Constitution had been established, presidential elections took place on 15 April 1999, in advance of their scheduled date. They were contested by seven candidates, each with a different programme. The elections took place within a framework which guaranteed transparency throughout the entire process, from preparation to the declaration of results. The Constitution stipulates that the President's mandate is renewable only once. He holds the country's highest office, subject to the limits set by the Constitution, and appoints the head of the Government, the majority of whose members sit in the National People's Assembly. The head of Government then defines his programme and submits it for approval by the Assembly.

10. Legislative power is exercised by Parliament, which consists of two houses: the National People's Assembly and the Council of the Nation. It monitors action by the Government and enacts laws.

11. The independence of the judiciary is provided for in article 138 of the Constitution.

## II. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

### A. Human rights machinery

12. Most of the early warning and monitoring machinery in the area of human rights is now in place. It covers both individual (civil and political) and collective (economic, social and cultural) rights. It is divided into four main categories of interrelated mechanisms.

#### 1. Political mechanisms

13. These centre around Parliament, which, with its two houses, is a fitting forum for expression of the citizens' concerns. Within these chambers, which are the embodiment of the State's democratic dimension, questions relating to the various aspects of human rights, both individual and collective, are at the forefront of discussions and are dealt with by permanent commissions established to that end by both houses. Parliament is therefore a privileged forum for the expression of human rights concerns.

14. Political parties are also considered by law to be a constituent element of the machinery for the promotion of human rights. The Act of 8 July 1989 on Political Parties, amended in March 1997, requires party statutes and programmes to include the safeguarding of individual rights and fundamental freedoms expressly among their objectives. Article 3 of the Act stipulates: "In all their activities, political parties are required to abide by the following principles and objectives:

Respect for individual and collective freedoms and for human rights;

Commitment to democracy and respect for national values;

Observance of a multi-party system;

Respect for the democratic and republican nature of the State."

#### 2. Judicial mechanisms

15. The Algerian State has set up judicial machinery to guarantee citizens' rights and provide the system of justice with decision-making autonomy. To that end, the judiciary in Algeria, founded on the principle of bringing the justice system closer to the citizens, is composed as follows: (a) the daira (sub-prefecture level) courts, (b) the wilaya (departmental level) courts and (c) the Supreme Court at the national level.

16. Article 152 of the Constitution also provides for a Council of State, to serve as the body regulating the activity of the administrative courts. It was established on 17 June 1998 and is composed of 44 members.

17. Lastly, Parliament has adopted a law establishing a court responsible for settling conflicts of jurisdiction between the Supreme Court and the Council of State, in accordance with article 152 of the Constitution.

### 3. Freedom of the press

18. The law considers the rights to information and to freedom of the press to be essential machinery for the promotion, monitoring and protection of individual rights. In this regard, the considerable development of the press in Algeria has been a catalyst for the protection of human rights at the collective level. There are currently 25 daily newspapers in existence, eight belonging to the State sector and 17 to the private or partisan sector. Their circulation averages a total of one million copies per day. There are 43 weekly newspapers in existence, for an average circulation of 1.4 million copies pe. week. Twenty other fortnightly or monthly periodicals have a global circulation of 300,000 copies per month. The reading public is estimated at nine million people per week.

19. As the international organizations themselves have acknowledged, the Algerian press is one of the freest in the developing countries. The International Federation of Journalists, whose executive board includes Algeria, is accredited in Algeria; its North Africa office is located in Algiers.

### 4. Machinery involving associations and trade unions

20. Associations have grown considerably since 1988. There are currently nearly 50,000 associations active in various fields. The Algerian Constitution gives prominence to freedom of association for the defence of human rights. Article 32 guarantees the individual and collective defence of these rights and article 41 defines its area of application: freedom of expression, association and assembly. Freedom of association naturally includes the political field, but has also found expression in the protection of certain categories of rights such as the rights of women, children, the sick, the disabled, consumers and users of public services. The authorities encourage associations by granting them various subsidies and facilities.

21. Most associations now have statutes, a basis and an activity that enables them to take their place on the international scene. Associations that are involved in the promotion of the rights of women, education and action to combat illiteracy are especially active.

22. Trade union freedom has been reaffirmed in the Constitution and has been given organizational expression in the Act of 21 December 1991. More detailed information is found in Part Two (article 5, paragraphs 96 to 98).

### 5. Other mechanisms for the protection and promotion of human rights

23. As a result of its opening to political pluralism and its accession to the international human rights instruments, Algeria decided to set up a National Human Rights Observatory (created by Presidential Decree No. 92-72 of 22 February 1992). Composed in equal numbers of elected and appointed members, under the aegis of the President of the Republic, with administrative and financial autonomy and independent of ministerial control, the National

Human Rights Observatory is responsible for the promotion of all human rights and the monitoring of respect for them. Although it is restricted to an advisory role, it has a broad mandate, which includes the following:

(a) Promoting human rights in accordance with the principles set out in the Universal Declaration of Human Rights;

(b) Monitoring and evaluating the implementation of the provisions on human rights contained in the international agreements ratified by Algeria and the provisions of the Algerian Constitution, Acts and Regulations;

(c) Taking action whenever infringements of human rights are reported or brought to its notice;

(d) Producing an annual report on the human rights situation in the country and submitting it to the President of the Republic.

24. The National Human Rights Observatory carries out awareness-raising and outreach activities relating to the human rights principles embodied in national legislation and international legal instruments. In that role, it publishes a quarterly review of human rights, a press review and an internal information bulletin on its activities. In practice, however, the Observatory, whose mission was originally to serve as a "government adviser" on human rights problems, is increasingly acting as a mediator between the authorities and private individuals in order to prevent disputes from leading systematically to legal action.

25. A council for women's affairs and one for children's affairs are other bodies that provide for dialogue between the authorities and civil society.

## B. International treaties and the internal legal system

26. Algeria's international commitments take precedence over internal law. In a decision dated 20 August 1989, the Constitutional Council reaffirmed the constitutional principle that duly ratified international treaties take precedence over internal law. That decision states that "... after its ratification and following its publication, any agreement forms part of internal law and, pursuant to article 132 of the Constitution, acquires a higher status than the law, thereby permitting any Algerian citizen to avail himself of its provisions in the courts". Consequently, private citizens may avail themselves of the protective machinery set up by the Human Rights Committee and the Committee against Torture once domestic remedies have been exhausted.

27. The Algerian authorities, the National Human Rights Observatory (NHRO), associations and the media attach great importance to remedies under international mechanisms. In practice, Algerian citizens and their lawyers seem satisfied with the many existing domestic remedies (courts, NHRO, associations).

## III. INFORMATION AND PUBLICITY

28. Algeria's ratification of international human rights instruments was extensively publicized throughout the national media when they were submitted for consideration and adoption by the National Assembly. All instruments were published in the official journal.

29. In addition to the symposia and seminars regularly organized on this topic, the annual celebration of Human Rights Day on 10 December is an occasion for publicizing the various international human rights instruments to which Algeria is a party. Similarly, 8 March and 1 June offer a regular opportunity to reaffirm the importance and role of women and children in society.

30. At the university level, a module entitled "Public freedoms", which was taught in the law faculties, has been reintroduced with an updated syllabus which takes international developments and recent accessions into account. Certain universities (such as Oran, Tizi Ouzou and Annaba) have already created specific modules. Human rights are taught to students at the National Judicial Training Institute, the Police Training School and the National Prison Administration Training School.

31. A UNESCO Chair in the teaching of human rights has been established at the University of Oran. This educational structure is responsible for organizing and promoting an integrated system of human rights research, teaching, information and documentation. Preparations are under way to establish a master's degree specifically in the field of human rights. One-day workshops on human rights and humanitarian law are organized regularly and their work is published. For its part, the National Human Rights Observatory publicizes the human rights principles embodied in national legislation and the international instruments to which Algeria is a party. Its outreach work takes the form of the publication of journals and the organization and sponsoring of seminars, exhibitions and one-day workshops in cooperation with community associations.

## IV. STATUS OF THE CONVENTION WITH RESPECT TO DOMESTIC LAW

32. Pursuant to article 131 of the Constitution, treaties concerning the status of persons are ratified by the President of the Republic after being approved by both houses. Article 132 stipulates that "treaties ratified by the President of the Republic under the conditions specified by the Constitution are superior to the law". There is therefore a legal hierarchy in which ratified treaties are second in importance to the Constitution, but come before domestic law. Once ratified, international instruments immediately become part of national legislation and may be invoked before the courts.

33. An opinion issued by the Constitutional Council on 20 August 1989, which constitutes case law in this area, reaffirmed the constitutional principle of the superiority of properly ratified treaties over national law. It ruled that all citizens were entitled to invoke the provisions of such treaties before the courts, "considering that once they are ratified and published, all conventions become part of national legislation and, pursuant to article 123 of the Constitution, acquire greater force than domestic laws, thus entitling all Algerian citizens to invoke their provisions before the courts; and that this applies for instance to the United Nations International Covenants

of 1966, approved by Act No. 89-08 of 25 April 1989 and to which Algeria became a party pursuant to Presidential Decree No. 89-67 of 16 May 1989, and the African Charter of Human and People's Rights, ratified by Decree No. 87-37 of 3 February 1987, instruments which solemnly forbid all forms of discrimination". (Extract from the aforementioned opinion.)

## V. DEMOGRAPHIC COMPOSITION OF THE POPULATION

34. During its consideration of the eleventh and twelfth periodic reports of Algeria, the Committee asked whether it would be possible to receive statistics on the demographic composition of the Algerian population. It is worth reiterating here that Algerian law forbids population censuses based on ethnic, religious or linguistic criteria.

35. Since Algeria became independent in 1962, the population census has ceased to be based on ethnic, religious and linguistic criteria. This is an outcome of the historical process which led, through the interpenetration, assimilation and intermixing of successive waves of exogenous populations, to the formation of a three-dimensional personality: Amazighe, Arab and Muslim.

36. All the attempts of colonialism to deny the existence of the Algerian nation have been resisted by the Algerian people. As long ago as when Masinissa founded the first Numidian State and Jugurtha led the resistance to Roman occupation, the national character had begun to take shape and the idea of an Algerian nation to take root. These concepts were to gather strength throughout Algeria's historical development for the next two thousand years or more.

37. From the seventh century onwards the contribution of Islam was decisive. One after another, the States which emerged in Algeria from the middle ages onwards, from the Rustumids to the Emir Abdelkader, through the Zirid-Hamadid dynasty to those of the Abdelwadids and Zyanids, consolidated the historical achievements of the central Maghreb region through their Muslim values. This sequence of regimes has provided a melting pot in which the various ethnic contributions have blended intimately together to form the Algerian identity.

38. Algeria stubbornly resisted the colonial venture which began in the nineteenth century. Attempts to divide and assimilate only had the opposite effect of strengthening the unity of the people. Today, with its independence and identity recovered, the Algerian people is pursuing its historic path in a State where the rule of law and justice are a permanent objective.

39. Henceforth, even if it were desirable, any classification of the Algerian population in terms of ethnic, religious and linguistic criteria would be impossible. That does not mean that the strength of the Algerian identity has been diminished by a process leading to cultural uniformity - the richness and diversity of its specific characteristics are evidence to the contrary - but simply that the criteria for identifying minorities within the present population of Algeria are far from convincing. Applying the principle of "divide and rule", the colonial authorities tried to categorize the Algerian population on the basis of criteria such as colour and language, but the spontaneous and unanimous popular resistance to colonization and the outbreak of the war of liberation revealed the artificiality of that categorization.

40. That is why article 1 of the Constitution states that "Algeria is one and indivisible". Articles 2 and 3 stipulate that Islam is the State religion and Arabic the national language. In

addition to the preamble, other provisions make it clear that Algeria also has an Amazighe, African and Mediterranean identity. Others again guarantee freedom of conscience, opinion, cultural, intellectual and scientific creativity, expression, association and assembly, as well as the other fundamental freedoms and human rights, to all Algerians without discrimination.

## PART TWO

### Information on articles 2 to 7 of the Convention

41. Algeria condemns racial discrimination and pursues a national and international policy for the promotion of human fulfilment, ensures that the legitimate aspirations of peoples are realized, works towards the development of friendly and cooperative relations between States and shares the aim of promoting a world in which the rights of human individuals and peoples, including the right to development, are enjoyed to the full.

### Article 2

42. The principle of non-discrimination has been respected by lawgivers since the independence of Algeria. This is made easier by the fact that practices involving racial discrimination are traditionally unknown in Algerian society. In the very first months of independence, Algeria abolished the discriminatory legislative and regulatory measures left over from the colonial period. The principle that all citizens are equal before the law in respect of their rights and duties and the protection they receive is established in article 29 of the Constitution.

43. Articles 27 and 42 of the Constitution prohibit all discrimination based on race, language or religion. The Civil Code, the Penal Code, the Code of Criminal Procedure, the Electoral Code and the various special codes (commerce, information, health, customs, etc.) are based on the principle of the equality of all citizens. None of their provisions has been considered to be against the spirit or the letter of the Convention.

44. It may be recalled that the role of the Constitutional Council is to see to it that laws are in conformity with the Constitution and the international agreements signed by Algeria, to censure any violation of the principle of equality of all citizens and to ensure that legislation and regulations applied to foreign nationals are compatible with the Constitution and the international agreements ratified by Algeria. It should also be noted that Algeria's accession to the various human rights instruments, including the Convention, together with its cooperation with the treaty monitoring and other bodies, have helped lead to a better understanding of human rights issues at the national level.

45. Measures protecting nationals from discrimination are extended to aliens, provided they are legally present on Algerian territory, under article 13 of Ordinance No. 66-211 of 1 July 1966 concerning the status of aliens.

## Article 3

### Combating apartheid and racial discrimination

46. Racism and racial discrimination are foreign to Algerian culture and society. Nevertheless, throughout the colonial occupation the Algerian people suffered the consequences of a policy of systematic discrimination directed against it by the colonial administration. The experience of this ordeal has in fact served to consolidate the moral values of Algerian society, to confirm its opposition to all forms of discrimination and exploitation and to strengthen Algeria's resolve to support peoples subjected to oppression and struggling for their emancipation.

47. Algerian diplomacy works towards "the reinforcement of international cooperation and the development of amicable relations between States on the basis of equality, mutual interest and non-interference in internal affairs" (article 28 of the Constitution). Furthermore, the Constitution expressly states that the leaders of the country shall "refrain from resorting to war to violate the legitimate sovereignty or liberty of other peoples" (art. 26). The effect of these elements of the Constitution of 28 November 1996 is to make the principle of solidarity referred to in article 26 applicable solely to the "colonial peoples and territories" covered by General Assembly resolution 1514 (XV) of 14 December 1960. In that context, Algeria has continued to support peoples struggling for their national liberation, such as the peoples of Palestine and the Western Sahara. In parallel with that, the Algerian Government has pursued its active and affirmative policy of supporting measures aimed at combating, at the international level, all forms of political, racial and religious discrimination.

## Article 4

### Punishing incitement and commission of racist acts and racist propaganda

48. With regard to the punishment of any incitement to racial discrimination and any act of violence or provocation, the Penal Code stipulates:

> Article 296: "Any allegation or charge likely to be prejudicial to the honour or reputation of the person or entity at which it is levelled, constitutes defamation. The publication or reproduction of that allegation or charge is punishable, even if it is done in a way that leaves room for doubt or if it is directed at a person or body not expressly named, but identifiable by the terms used in the incriminated speech, cry, threat, written or printed text, notice or poster";
>
> Article 297: "Any offensive expression, term of contempt or invective which does not contain any particular charge constitutes an insult";
>
> Article 298: "Any defamation directed at an individual shall be punishable by imprisonment for between five days and six months and a fine of between 150 and 1,500 Algerian dinars, or one of those penalties only. Any defamation directed at one or

more persons belonging to an ethnic or philosophical group or to a specific religion, with a view to stirring up hatred between citizens or inhabitants, shall be punishable by imprisonment for between one month and one year and a fine of between 300 and 3,000 Algerian dinars";

Article 299: "Any insult directed at one or more persons shall be punishable by imprisonment for between six days and three months and a fine of between 150 and 1,500 Algerian dinars, or by one of those penalties only".

49. Sanctions against any activities by an organization which constitute an incitement to racial discrimination are provided for in the following articles:

(a) 22, 30 and 61 of Act No. 90-14 of 2 June 1990 concerning the exercise of the right to unionize;

(b) 3 and 5 of Act No. 97-09 of 6 March 1997 concerning political parties;

(c) 9, 10 and 24 of Act No. 89-28 of 31 December 1989 concerning public demonstrations and meetings;

(d) 24 and 41 of Act. No. 90-31 of 4 December 1990 concerning associations.

50. A ban on incitement to or encouragement of racial discrimination by public institutions or authorities is established by articles 8, 9, 14, 24, 51 and 100 of the Constitution, article 44 of the Commune Code and articles 51 and 94 of the Wilaya Code.

Measures implementing the General Recommendation of 24 February 1972

51. Since it became independent, Algeria has established a ban on racial discrimination as a constitutional principle on which its legislation is based.

Information pursuant to Decision No. 3 (VII) of 4 May 1973

52. Specific provisions of the Penal Code give effect to this decision. Thus, article 298, paragraph 2 stipulates that "any defamation directed at one or more persons belonging to an ethnic or philosophical group or to a specific religion, with a view to stirring up hatred between citizens or inhabitants, shall be punishable by imprisonment for between one month and one year and a fine of between 300 and 3,000 Algerian dinars".

53. Furthermore, article 298 bis (Act No. 82-04 of 13 February 1984) stipulates that "any insult directed at one or more persons belonging to an ethnic or philosophical group or to a specific religion shall be punishable by imprisonment for between five days and six months and a fine of between 150 and 1,500 Algerian dinars, or by one of those penalties only".

## Article 5

### Equality before the law

54. As mentioned previously, on attaining independence Algeria abolished all discriminatory legislation and regulations. The principle that all citizens are equal in rights and duties and enjoy equal protection under the law is established in the Constitution (arts. 29, 31, 33, 34, 36, 51, 55 and 140, para. 2). Algerian legislation, which derives from these constitutional provisions, also takes into account the provisions of international agreements ratified by Algeria.

55. It should also be noted that all citizens, without distinction, may:

- Accede to any public office;
- Be electors and vote for candidates to elective posts;
- Stand as candidates in all elections, including presidential ones;
- Form a party, association or trade union and act as its director or representative;
- Express their opinions freely through any media;
- Hold meetings or demonstrations;
- Have access to any tribunal or court of law;
- Choose their place of residence and freely move within and leave the country;
- Enjoy any social benefits provided for by legislation;
- Have access to education at the primary, intermediate, secondary and higher levels;
- Benefit from facilities for vocational training in all sectors;
- Have access to preventive and curative health care;
- Enter into contracts of all kinds;
- Benefit from credit or all similar forms of advance provided for by legislation. The law does not discriminate in any way with regard to the granting of bank loans and mortgages;
- Have access to employment and benefit from the guarantees concerning career development, equal wages, legal rest periods and retirement.

All citizens are equal in respect of their civil and political, economic, social and cultural rights as set out above. The principle of non-discrimination is fully applied both de jure and de facto.

1. The right to equal treatment before the tribunals

56. Article 140 of the Algerian Constitution stipulates that "justice is founded on the principles of legality and equality. It is equal for all, accessible to all, and manifested by respect for the law".

2. The right to security of person

57. Article 34 of the Constitution stipulates that "the State guarantees the inviolability of the human person. All forms of physical or moral violence or affronts to human dignity are forbidden". Article 35 states that "all infractions against the rights and liberties or injuries to the physical or moral integrity of a human being are punishable by law". Furthermore, article 47 stipulates that "no one may be arrested or detained except by the procedures, for the reasons and under the conditions determined by the law and according to the rules prescribed by it".

58. The Penal Code severely penalizes acts of ill-treatment or torture. Article 110, paragraph 3, provides that "any official or agent who carries out torture or orders it to be carried out in order to obtain a confession shall be punished with imprisonment". Legal proceedings may thus be brought against persons committing such acts, including offences committed in the exercise of their official functions.

59. According to article 48 of the Constitution, the custody system is "subject to judicial control".

60. With regard to kidnapping, arbitrary detention or abduction, article 291 of the Penal Code stipulates "Any person who kidnaps, arrests, detains or abducts another person without an order from the established authorities and except in the cases provided for by law or who orders such kidnapping, arrest, detention or abduction, shall be sentenced to imprisonment for between five and ten years. The same penalty shall apply to any person who allows a place to be used in order to detain or abduct another person. If the detention or abduction has lasted for more than a month, the penalty shall be ten to twenty years' imprisonment".

3. The right to vote, to stand for election and to take part in the conduct of public affairs

61. The right to take part in the conduct of public affairs is guaranteed by the Constitution and by the law establishing the democratic and multi-party nature of the Algerian political system. Article 50 of the Constitution stipulates that "every citizen meeting the legal requirements shall be eligible to vote and to stand for election".

62. Article 51 stipulates that equal access to public office and employment is "guaranteed to all citizens".

63. The new enabling law on electoral arrangements (No. 97-07 of 6 March 1997) establishes some general rules for elections:

- All Algerian men and women aged 18 or over are eligible to vote (art. 5);
- Voting is personal and by secret ballot (arts. 2 and 35);
- Persons aged 25 and over are eligible to stand for election to the local assemblies, while the lower age limit is 28 years for the National Assembly and 40 years for the Council of the Nation and the Presidency of the Republic.

4. The right to freedom of movement and choice of residence

64. Article 44 of the Constitution of 28 November 1996 stipulates that every Algerian citizen "has the right to choose freely his or her place of residence and to move freely within the national territory". The only legal restriction relates to the suspension of civil and political rights by a court of law.

5. The right to leave and return to one's country

65. Article 44 of the Constitution also stipulates that the right to leave and return to the country is guaranteed to all citizens. Any restrictions to this freedom to travel relate to conditions imposed by foreign countries, in particular the requirement to present visas to immigration services.

6. The right to nationality

66. Pursuant to the Constitution, nationality, together with the conditions for its acquisition, conservation, loss and revocation, are defined by law; the Algerian Nationality Code contains the relevant provisions (Ordinance No. 70-86 of 15 December 1970). Aliens applying for nationality may acquire it provided they meet the conditions stipulated by this law. Conditions for the forfeiture of nationality are defined by the same law (arts. 22 and 24) and the order to revoke nationality is subject to appeal. Only the courts have the power to resolve nationality disputes.

7. The right to marriage and choice of spouse

67. The right to marriage is specifically protected. Article 58 of the Constitution stipulates that "the family shall enjoy the protection of the State and of society".

68. Relations between members of the family are governed by Act No. 84-11 of 9 June 1984, which contains the Family Code. Article 4 stipulates that "marriage is a legal contract entered into between a man and a woman. Its objectives include the following: to form a family based on affection, kindness and mutual support, to provide moral protection for each spouse and to preserve family ties".

69. The consent of each future spouse is one of the basic conditions for marriage (art. 9), which may be annulled if such consent is lacking or invalidated (article 32 of the Family Code). Consent follows from a proposal by one of the two parties, and acceptance by the other in any terms signifying legal marriage (art. 10).

70. With regard to personal status, the Government intends to introduce elements of non-discrimination and equality between the sexes progressively but with no reversal. This approach is grounded in rights already acquired by women, particularly in the areas of education and employment.

8. The right to own property

71. The right to own property is guaranteed by article 52 of the Constitution, while articles 37 and 38 stipulate that the following are guaranteed by law: "freedom of trade and industry, operating within the law, and of intellectual, artistic and scientific creation".

9. The right to inherit

72. The right to inherit is guaranteed by the Constitution (art. 52, para. 1). The rules governing succession are defined by the Family Code, which establishes the right to inherit based on a relationship of kinship or marriage.

10. The right to freedom of thought, conscience and religion

73. Article 36 of the Constitution provides that freedom of conscience is inviolable. The freedom of worship and religion of communities of other faiths living in Algeria is respected and enjoys the protection of the authorities. The archbishopric of Algiers comprises several dioceses. The Protestant Church of Algeria has a representative in Algiers and the Jewish Consistory has its headquarters there. The country has two synagogues, in Blida and Algiers respectively.

74. Article 160/3 of the Penal Code provides penalties for those who deface, destroy or profane any "places of worship" whatsoever, and article 160/4 provides penalties for those who mutilate, destroy or deface "monuments, statues, pictures or other objects that may be used for the purposes of worship". Likewise, article 77 of the Act of 3 April 1990 on information provides penalties for "anyone who, in writing, by sounds, images, drawings or any other direct or indirect means, causes offence to Islam and the other celestial religions".

75. The freedom of conscience guaranteed by the Constitution and the law has been a favourite target for terrorist criminal activity. The law does not make any provision for an "offence" of apostasy, nor does it penalize change of religion, but since the advent of the terrorist phenomenon there has been an increase in infringements of the right to freedom of religious practice and freedom of conscience; those attacks have taken various forms, ranging from verbal abuse to attacks on life.

76. Despite the protection provided by the police, several ministers of the Muslim religion have been murdered for refusing to preach fundamentalist ideas. The same has happened to representatives of Christian faiths accused of being the instruments of a "crusade for the

evangelization of the country". For a short time, fundamentalist militants even set up "vice squads" in some rural and urban areas to combat individuals whose ideas or behaviour did not comply with the "standards" they had set under the influence of fundamentalist theoreticians.

11. The right to freedom of opinion and expression

77. Articles 36 and 41 of the Constitution provide that the right to freedom of opinion is inviolable and the right to freedom of expression guaranteed. These fundamental rights may be exercised by individuals, associations, political parties or in the media. Articles 35 and 40 of Act No. 90-07 of 3 April 1990, containing the Information Code, give journalists "the right of access to sources of information" and "the right to reject any editorial order other than one coming from the persons exercising editorial responsibility", but require them "to show full respect for professional and general ethics", for instance by "making every effort to provide full and objective information, rectifying any information that proves to be inaccurate, and refraining from any advocacy of racism, intolerance and violence".

78. The press, under the exclusive control of the public authorities since independence, has gained considerable scope for freedom thanks to the process of democratization provided for by the Constitution. Fundamental to freedom of opinion and expression, press freedom has made it possible for genuine debate to emerge and helped lead to the formation of a public opinion that must be reckoned with today. The spectacular development of the press has pushed it to the forefront of the campaign for democratic rights and freedoms.

79. The independent press dominates the media today in terms of both the number of titles and the number of copies sold (87 per cent). By category of organ, the independent press represents: 66 per cent of dailies and 87 per cent of the readership; 84 per cent of weeklies and 83 per cent of the readership; 86 per cent of periodicals and 52 per cent of the readership.

80. The existence of the following should also be noted: a television channel which broadcasts around the clock throughout the national territory; a satellite channel serving the Algerian community abroad; three national radio stations; an international radio station; 16 local radio stations and three specialized (thematic) stations.

81. Publication of newspapers and periodicals is free and is subject, for the purposes of registration and verification of accuracy, only to an advance declaration made 30 days before the appearance of the first issue. Publications must not contain any material, even advertising, likely to foment violence or hatred, and there is recognition of the right, where appropriate, of "institutions, agencies or approved associations responsible for the promotion of human rights and the protection of children to bring criminal indemnity actions" (art. 27).

82. Furthermore, to help promote the press sector and improve its financial situation, the authorities have introduced a law on advertising which ends the monopoly previously held by a State company in this sector. A press assistance fund has been set up for both public and private press organs. One of the principal objectives of this fund is to ensure wider dissemination of the print media for the benefit of even the most remote parts of the country.

12. The right to freedom of peaceful assembly and association

83. The right of peaceful assembly is recognized under article 41 of the revised Constitution, according to which "the freedoms of expression, association and assembly are guaranteed to the citizen". The modalities for the exercise of this right are set forth in Act No. 89-28 of 31 December 1989 on public meetings and demonstrations. The operative provisions of the Act (arts. 2 to 20) indicate that a flexible procedure has been established for the exercise of this right, whereby the public authorities must be notified in advance (three days for a meeting, five days for a demonstration).

84. Act No. 91-19 of 2 December 1991 increased the period of advance notice to eight clear days for the organization of public meetings, which had henceforward to be authorized by the wali (prefect). Any demonstration taking place without authorization or after having been forbidden is deemed a gathering that may be dispersed in the exercise of their powers by the Minister of the Interior or the wali in his district.

85. After political parties, community associations are now among the most dynamic elements of social, cultural and scientific life. The accelerated registration procedures introduced by Act No. 90-31 of 4 December 1990 on the facilitation of the creation of associations have led to a marked increase in their number. By way of comparison, over the 12-year period from 1976 to 1988, only 98 national associations were registered, whereas 678 were created in just six years between 1989 and 1996. In all, 776 national and 45,000 local associations have been established.

86. Grouping associations together according to the focus of their activities shows:

- Professional motivation for 256 associations;
- Cultural motivation for 168 associations;
- Scientific motivation for 408 associations;
- Motivation linked to children and youth for 46 associations;
- Altruistic motivation for 31 associations (solidarity, aid, charity, disabled and maladjusted persons), and
- Motivation based on friendship, exchange and cooperation for 21 associations.

87. While quantitative aspects can provide us with information about the nature and orientation of community associations, qualitative aspects, such as the nature of the niche filled, are also important. Even in small numbers, some associations are highly influential, either socio-politically or purely socially, such as those linked to historic points of reference, the environment and consumer protection.

13. The right to work and to equal pay

88. All Algeria's Constitutions since independence have recognized the right to work. Article 55 of the Constitution of 28 November 1996 stipulates under this heading that "all citizens have the right to work. The right to protection, safety and healthy conditions at work is guaranteed by law".

89. The right to equality is also guaranteed by the legislation on access to employment, remuneration and promotion. These measures have led to considerable progress in various areas of activity. In the civil service, legislation and regulations such as the model staff regulations for the civil service (Decree No. 85-59 of 23 March 1985) contain no discriminatory provisions of any kind.

90. Labour Relations Act No. 90-11 establishes basic workers' rights (collective bargaining, social security, pension, hygiene, occupational safety and health, rest periods, right to strike, etc.). It also confirms the right to protection against discrimination in employment, except on grounds of aptitude and merit (art. 6). Article 17 stipulates that "any provision contained in a convention, a collective agreement or a contract of employment that is conducive to any form of discrimination in employment based on age, sex, social or marital status, family background, political convictions or membership or otherwise of a trade union shall be null and void". Such discrimination is punishable by the penalties laid down in articles 142 and 143 of the same Act.

91. The principle of equality between the sexes is established by articles 29, 31, 33, 51 and 55 of the Constitution. It also applies to remuneration, men and women receiving equal pay for equal work.

92. Despite economic, social and cultural constraints, the school enrolment policy has produced a progressive decline in female illiteracy (81 per cent of women in 1977, 56 per cent in 1987, 49 per cent in 1993) and an opening of the employment market to women (5.9 per cent of the total female population were in employment in 1977, 8.1 per cent in 1987 and 10.1 per cent in 1993). Young women increasingly have access to vocational training, accounting for 38.9 per cent of the total number of trainees in 1992. A study carried out in 1990 by a women's group in Sétif (a medium-sized inland town) on the relationship between employment and marriage showed that 80 per cent of women hoped to keep their jobs after they were married and that 40 per cent of divorces were caused by the refusal of husbands to let their wives work. This trend is becoming more marked as the quality of work available to women improves: in 1994, 34 per cent of working women were illiterate, whereas in 1997, the proportion was down to 12.5 per cent. Today 67 per cent of women who work have at least a secondary school education, compared with 19 per cent of men. Fifty-four per cent of those women are single and the proportion of working women previously married, but either widowed or divorced, is 16 per cent. By way of example, on 15 September 1995, of the total of 2,164 judges, 498 were women. This trend reflects a profound change in mentalities.

93. A similar trend is to be found in education, another key area for social development. Females currently account for between 45 and 48 per cent of those enrolled in primary, intermediate, secondary and university education. Some 43 per cent of teachers in primary schools are women (82 per cent in the country's five largest cities, Algiers, Oran, Constantine,

Annaba and Sétif), 45 per cent in intermediate education (71 per cent in the five largest cities) and 33 per cent in secondary education (61 per cent in the five largest cities). In the long run, legislative change, whatever its pace, will inevitably follow this trend.

94. Statistics for the medical and pharmaceutical sectors indicate that the proportion of women in the health professions is increasing. In 1996, the proportion of women was estimated at 51 per cent; in the case of doctors, it stands at 36 per cent for university hospital doctors, 46.7 per cent for specialists and 48.6 per cent for general practitioners. The corresponding proportions are 64.4 per cent for dental surgeons and 65.4 per cent for pharmacists.

95. Algeria's ratification of the Convention on the Elimination of All Forms of Discrimination against Women should be viewed in the context of this desire for progressive emancipation. This action has led to a debate within Algerian society, opposing positions being taken in conservative circles and in those favourable to greater female emancipation. The Government's position has been to accede to the Convention with some reservations which, it should be noted, do not affect the Convention's essential provisions, with the implication that accession to this and other similar instruments should be used as an argument in favour of social and legislative changes whose progressive implementations should itself eventually lead to the withdrawal of the reservations. Accession to this instrument has led the Government to consider proposing amendments to the Family Code which will be submitted to the pluralistic National Assembly during the current legislative term.

### 14. The right to form and join trade unions

96. Article 56 of the Constitution stipulates that "the right to form and join trade unions is recognized for all citizens". This principle is given effect in Act No. 90-14 of 2 June 1990, as amended and supplemented by Act No. 91-30 of 21 December 1991 and Ordinance No. 96-12 of 6 June 1996. The Act recognizes the right of wage earners in the private and public sectors to form independent trade union organizations separate from political parties. It should be pointed out in this regard that the Algerian Workers' General Union (UGTA – Union Générale des Travailleurs Algériens), the first trade union to be formed in Algeria during the war of national liberation, is currently the largest workers' union in the country. This is largely due to the fact that before the opening of the country to a market economy, the UGTA was the only trade union in operation in public sector enterprises.

97. There are currently 58 wage earners' organizations at the national level and 19 employers' organizations, two of which are in the public sector and 17 in the private sector. The predominance of public sector trade unions is significant in this regard: health: 9 trade unions; social affairs: 9 trade unions; transport: 7 trade unions; education: 6 trade unions; training: 6 trade unions. There is also a large number of independent trade unions which do not operate at the national level.

98. The right to strike is provided for in the Constitution and codified by a law enacted by parliament. The number of collective disputes, arbitrations and industrial disputes recorded each year since December 1991 is evidence of the vitality of mechanisms for the promotion of the material and moral rights of the various categories of occupations and of some categories of workers. Within this framework, if collective negotiation should fail, recourse to strike action is

a legal right which, when exercised according to the provisions of the law, is protected by the Constitution. The exercise of this right is common practice and is applicable in all areas of activity, including the public service and State structures.

15. The right to housing

99. The housing issue has been a matter of perpetual concern to the authorities, for the overall trend of investment in this sector has always been matched by demographic growth. The high rates of population growth recorded during the first three decades of independence has resulted in an age structure characterized by a relatively large proportion of people under the age of 30 and thus seeking housing. Consequently, the rate of output of the construction industry is constantly matched by the number of potential house seekers.

100. With an estimated housing pool of over 3 million units in 1996, the Algerian population of some 29 million is increasing rapidly and will reach 31 million by the year 2000. Since 1996, an awareness of this situation has led to a review of housing policy with a view to developing a strategic approach to facilitate the building of 1.2 million new dwellings by the end of the year 2000. In pursuance of a policy of diversified supply, designed to meet as much of the demand as possible, the authorities are currently endeavouring to exploit all potential sources, without losing sight of the fact that part of the population is in need of legitimate assistance.

101. Apart from low-rent housing, which is reserved for the most disadvantaged strata, a variety of arrangements is available based on help towards the acquisition of property and tailored to the applicants' ability to contribute. They consist of either preferential rates of interest on loan repayments or direct payments to help in the construction or acquisition of housing. Throughout the country, the alternatives of low-rent housing on a flexible basis, self-built housing in rural and urban areas and property development are available to citizens.

102. Improved comfort in the housing sector through connection to the electricity, gas, water and sanitation networks, is an ongoing concern of the authorities and is being accorded high priority. Efforts in this area have enabled the following percentages to be achieved:

- 93.4 per cent for electricity, compared with only 72.7 per cent in 1989;
- 76.8 per cent for drinking water, compared with 58 per cent in 1987;
- 96.1 per cent for sanitation, compared with 63 per cent in 1987;
- 54 per cent for natural gas.

16. The right to health and social security

103. The right to health protection is guaranteed in the Constitution (article 54). Access to health services is guaranteed to everyone without discrimination; coverage is almost universal, reaching an estimated 98 per cent of the population. Thus the great majority of people have less than an hour to travel to their nearest health-care unit.

104. According to the section entitled "Access to health care" of the National Statistical Office survey on living standards which was carried out in late 1995, more than three quarters of the population sought medical advice when ill, and the majority of those patients were women, both in urban and rural areas, as shown in table 1. There was a slight variation, however, depending on area of residence.

Table 1

Percentage of the population who seek medical advice when ill

| | Men | Women | Total |
|---|---|---|---|
| Urban | 81.1 | 85.7 | 83.1 |
| Rural | 72.4 | 73.5 | 72.9 |
| Total | 76.4 | 79.1 | 77.9 |

Access has been boosted by improvements in health coverage, as illustrated by the following ratios (1997):

- 1 doctor per 1,123 inhabitants;
- 1 pharmacist per 7,818 inhabitants;
- 1 dental surgeon per 4,033 inhabitants;
- 1 primary health-care unit per 5,000 inhabitants;
- 2.03 beds per 1,000 inhabitants;
- 1.5 maternity/gynaecology beds per 1,000 women of childbearing age.

105. The Government has also expanded primary health-care infrastructures and promoted medical and paramedical training. Algeria now has an extensive medical infrastructure. In 1998, the public sector comprised: 13 university hospital centres; 25 specialist hospitals; 177 regional hospitals; 8 clinics; 433 maternity centres; 465 polyclinics; 1,144 health centres, and 4,222 treatment rooms.

106. There is a marked increase in the number of women in the medical professions. In 1997, out of a total of 10,640 general practitioners in the public sector, 5,499 were women; out of a total of 3,488 specialists, 1,735 were women; and out of a total of 5,467 university hospital doctors, 2,418 were women. There are approximately 8,195 doctors in the private sector out of a total medical staff of 27,790.

107. The State health budget is, like the education budget, one of the largest. The health operating budget, for example, is of the order of US$ 660 million and accounts for 7 per cent of the State's overall operating budget.

Population policy

108. The demographic situation changed rapidly in the 20 years following independence. The population growth rate was more than 3 per cent per year during the 1960s and 1970s and through until 1985. The sustained high population growth rate during this period resulted in a doubling of the population - i.e. an increase of 10 million - in the years from 1962 to 1985. The problems arising from population growth prompted the adoption and implementation of an affirmative population policy in 1983.

109. Population growth began to slow perceptibly in the late 1980s. The rate of increase, an estimated 2.7 per cent in 1987, declined to 2.4 per cent in 1990 and stood at 1.6 per cent in 1997. At that rate, the doubling period of the population is around 43 years, i.e. twice what it was during the 1960s and 1970s. This demographic change is essentially due to the drop in the birth rate, which fell from 50 per thousand in 1970 to 39 per thousand in 1990 and 22.5 per thousand in 1997. The falling birth rate is due to a higher age of marriage and the increasing use of contraception.

110. The higher age of marriage, which applies to both urban and rural areas, is a further indicator of social development. The average age of marriage in rural communities rose from 19.8 to 24.6 between 1977 and 1992. As a result, the number of early pregnancies has declined; in 1996, only 19 women per thousand had a child before the age of 20, as compared with 60 per thousand in 1980.

111. The drop in the birth rate is reflected in a reduction in fertility. The fertility rate declined from 7 children per woman in 1990 to 3.68 in 1994 and 3.14 in 1997. The rate needed for generation replacement is around 2.1 children per woman and Algeria is expected to reach that rate by around 2010.

112. The population programmes that have been implemented aim at improving the accessibility of reproductive health care, concentrating particularly on less advantaged areas, through information, education and communication directed at various population groups (young people, men, rural communities, etc.); by linking population policy to other social policies (land management, environment, advancement of women, etc.), and through research into various population-related fields.

113. Reproductive health programmes, which spearhead demographic policy, are devised in conjunction with other ministries, for intersectoral cooperation is one of the guiding principles underlying national health and population policy. It is enshrined in the charter adopted by the 1998 National Conference on Health, which defines health objectives, principles and strategies up to the year 2005. It is implemented through coordination mechanisms at the national and local levels.

114. In the population field, for example, the National Population Committee was established in 1996. The Committee, which includes representatives of 30 ministerial departments, national institutions and community associations, helps define, coordinate, implement, follow up and evaluate national population policy, including its "reproductive health and family planning" component.

115. The involvement of community associations in such bodies is a great advantage, for it allows civil society's needs to be better reflected in the preparation and implementation of health and population policies. Since 1998, moreover, community associations (consumer groups, patient groups, etc.) have been included as active members of hospital boards.

116. Intersectoral cooperation also works at the regional level. The mid-1990s have been a time of decentralization in health programmes. During that period, five health areas have gradually been created. The aim of regionalization is to adapt health programmes to local conditions. To coordinate health programmes at the regional level, regional health boards, composed of representatives of various sectors (education, environment, welfare, employment and social services), have been created to act as intermediaries and arbitrators in the preparation and implementation of health programmes.

Reproductive health and family planning

117. Family planning, which is the cornerstone of population programmes, forms part of the overall reproductive health-care system, including safe motherhood, the prevention of sexually transmitted diseases (STDs) and the treatment of infertility and genital cancers. Family planning is based on the principle of voluntary participation and freedom of choice. Compulsion with regard to the decision to have children has no place whatsoever in the national programme.

118. The expansion of access to reproductive and family planning services without any discrimination is a key aspect of Algeria's health and population policy. The goal set in the programme adopted by the Government Council in March 1997 is a usage rate of 60 per cent for modern contraceptive methods by the end of the decade. In order to facilitate access to family planning, contraceptive services and products are provided free of charge to all women, without discrimination, in public health institutions. When provided through the private sector, 100 per cent of the cost of family planning services and products is reimbursed by social security. The spread of contraception applies both in urban and in rural areas, as shown in table 2.

Table 2

Prevalence rate of contraception by area of residence
(percentage of married women of childbearing age)

| | 1970 | 1986 | 1992 | 1995 |
|---|---|---|---|---|
| Urban | 17.5 | 38.6 | 57.5 | 57.2 |
| Rural | 4.0 | 29.6 | 44.1 | 56.6 |

Social policy

119. State spending on social issues represents an average of approximately 22 per cent of total expenditure. The special system established in 1992 to help in particular the most vulnerable sectors of society consists of: the social safety net; social welfare; admission to specialized institutions, and access to health care and transport.

120. The social safety net consists of two State benefits providing direct income support to persons and families in need. They are:

(a) The standard solidarity allowance, granted to elderly or disabled persons who are incapable of working and who are heads of household or live alone. Expenditure on this allowance is high and amounted to 4.536 billion Algerian dinars, the equivalent of US$ 75.6 million, in 1997. More than 420,000 people, including 195,734 women, benefited from it in 1998; and

(b) Community service benefit, given to persons and heads of household with no incomes in return for their participation in public works organized by local communities for 8 hours per day, 22 days per month. The budget for these activities amounts to 12 billion Algerian dinars, the equivalent of US$ 200 million, and 38.8 per cent of the beneficiaries are women. This benefit not only constitutes a form of income support for the most underprivileged population sectors, but also helps improve their living conditions and environment, for many such people live in isolated and deprived areas and in makeshift housing.

121. The State provides financial help for disadvantaged persons through its social welfare system. While the system is non-discriminatory, it helps women and young girls in particular. It is aimed at needy children as well as disabled and elderly persons. Social welfare expenditure amounted to 1.734 billion Algerian dinars, the equivalent of US$ 28.9 million, in 1997.

122. Access to health care is aimed primarily at disabled persons and beneficiaries of the social safety net affiliated to the social security system. The payment of benefits is entirely the State's responsibility. Thus:

(a) The Social Insurance Act (No. 83-11) establishes the principle that social security is to be made available to all disabled persons not gainfully employed. The disabled are thus insured under the social security system and receive benefits in kind. The contribution for each disabled person is 5 per cent of the national guaranteed minimum wage. The budget for this scheme was estimated at 367.4 million dinars, the equivalent of US$ 6.12 million, in 1997;

(b) The Social Development Fund finances the social insurance contribution paid for beneficiaries of the social safety net, which amounts to 6 per cent of the national guaranteed minimum wage and totals 2.15 billion dinars, or the equivalent of US$ 35.83 million; and

(c) Non-contributors to social insurance who are both deprived and chronically ill benefit from the free provision of essential medicines. Thus, 73 medicines for the treatment of eight pathological conditions (cancer, asthma, psychiatric disorders, endometriosis, metabolic disorders, diabetes, etc.) are available without charge under this scheme. The total expenditure amounts to US$ 417,000.

123. With regard to public transport, non-wage-earning disabled persons benefit from reductions and/or free travel on urban and inter-city rail and road transport.

17. The right to education and occupational training

124. The right of access to education is recognized in article 53 of the Constitution and in Ordinance No. 76-35 of 16 April on the organization of education and training, articles 4 to 7 of which deal with equal access to education, compulsory education and free education.

125. A major concern of the public authorities is to provide nine years of compulsory basic schooling for every young Algerian. This type of education, provided in basic education establishments and governed by the Ordinance of 15 April 1976, "offers the same opportunities from the outset to all boys and girls who have reached the age of six". Education has always been compulsory in Algeria.

126. At the beginning of the school year 1998/99, a total of 7,435,858 pupils were enrolled in Algerian schools, of whom 3,521,237 were girls. The breakdown was as follows: (a) a total of 6,556,768 pupils enrolled in basic education, of whom 3,048,935 were girls, and (b) a total of 879,090 students enrolled in secondary education, of whom 472,302 were girls.

127. With regard to teaching staff, the total number of teachers at all levels of education stands at 323,710, including 148,404 women; there are 1,998 inspectors, including 88 women, again at all levels; the figure for administrative staff is 46,112, including 12,888 women, at all levels of the system.

128. To encourage the trend towards participation by girls, the Government has approved a General Educational Policy bill, and submitted it to the present session of Parliament for enactment. Under article 7, the bill imposes penalties on any parent or guardian who impedes the access to education of children aged between 6 and 16. In practice, this measure affects girls far more than boys.

129. Action to enforce the above-mentioned provisions and to reduce the drop-out rate focuses on school distribution, school canteens, boarding schools, educational solidarity and school transport facilities. In the area of school distribution, a considerable effort has been made to build basic educational facilities, especially in rural areas, in order to reduce the distance between school and family to the minimum.

130. In the school year 1997/98, there were 15,507 primary schools, of which 6,518 were located in urban areas, 2,557 in semi-rural areas and 6,432 in rural areas. At the intermediate or lower secondary level, there were 3,224 establishments, of which 1,889 were in urban areas, 658 in semi-rural areas and 667 in rural areas. In 1960, the total number of such establishments was 380. At the upper-secondary level, there were 1,183 establishments, including 898 in urban areas, 198 in semi-rural areas and 87 in rural areas. In 1960, there were only 39 upper-level secondary schools.

131. In 1997/98, there were 4,142 school canteens for 561,311 users. In 1963/64, canteens numbered only 1,240. It should be noted that the building of schools in very remote areas has brought schools closer to the population.

132. There are 27 primary-level boarding schools catering for 3,000 girls and boys in the 6 to 12 age group. At the intermediate level, there are 23,350 boarders and, at the secondary level, 53,048. These boarding schools are intended for children in the most remote areas, especially the children of nomads from the Saharan regions. They also cater for orphans who have not been placed in a family and whose welfare lies entirely in the hands of the public authorities. A decline in enrolment rates was observed two years ago, particularly for girls, because of an increase in boarding-school fees. The State immediately took steps to defray the costs so that they would not serve as a motive for dropping out of school.

133. With regard to educational solidarity measures, in 1997/98 an amount of 507,384,637 dinars was allocated to 1,545,589 disadvantaged pupils. The scheme consisted in providing these pupils with school supplies and textbooks, satchels, smocks and other items of clothing, and was extended to the opening of school canteens. Approximately 1,548,000 pupils from 16 departments of the South and High Plateaux regions benefited from the scheme.

134. In addition, an appreciable number of localities, especially the most isolated, have benefited from school transport facilities. The project initiated under this scheme by the authorities provides for the purchase of 700 buses for school transport and its eventual extension to cover all departments.

135. University access is open to everyone. The higher education network comprises 30 university towns with 13 universities, 10 university centres, 4 medical science institutes, 9 university colleges with competitive entrance examinations and a large number of institutes attached to technical ministries. There are a total of 15,801 teachers.

136. Student numbers have increased: (a) at the undergraduate level, from 241,600 in 1994 to 286,000 in 1996, 339,500 in 1997 and almost 400,000 at the beginning of the 1998/99 academic year; and (b) at the postgraduate level, from 14,500 in 1994 to 16,900 in 1996, 18,100 in 1997 and almost 20,000 at the beginning of the 1998/99 academic year.

Table 3

Summary of university situation at the beginning of the 1998/99 academic year at the regional and national levels

| | Eastern region | Central region | Western region | National total | Percentage of total enrolment |
|---|---|---|---|---|---|
| Enrolled students | 135 008 | 156 116 | 92 133 | 383 257 | |
| Boarders | 78 228 | 70 611 | 44 153 | 192 992 | 35.50% |
| Grant holders | 119 721 | 140 341 | 76 632 | 336 694 | 85.87% |
| Transport users | 75 411 | 113 230 | 34 994 | 223 653 | 53.58% |
| Canteen users | 12 857 | 134 169 | 76 047 | 332 073 | 64.86% |
| Estimated number who graduate | 9 387 | 8 473 | 5 298 | 23 158 | |
| Number of buses provided for transport | 219 | 193 | 121 | 533 | |

18. The right to equal participation in cultural activities

137. In addition to measures taken to promote freedom of the press and upgrade the information media, efforts have been made in the cultural field. A network of cultural centres provides a framework for the promotion, dissemination and production of culture at the local level. Such centres can be found in the following places: Adrar, Annaba, Sétif, Batna, Tizi-Ouzou, Tlemcen, Ouargla, Médéa, Tamanghast, Biskra, El Qued, Tissemsilt, Oran, Constantine, Laghouat, Oum El-Bouaghi, Saïda, El-Djelfa, and Bordj-Bourreridj. The network is due to be extended in the coming months with the opening of five new centres.

138. In order to ensure that everyone enjoys equal access to cultural sources, the competent government department has provided readers in the suburbs of the capital, Algiers, with 12 mobile libraries, equipped with a range of written and audiovisual materials. This scheme will be extended to other areas without libraries.

139. The authorities promote cultural life by giving their support to cultural associations, of which there are an estimated 763 throughout the national territory.

19. The right of unrestricted access to public places

140. Other than the provisions of the Constitution, no legislation exists in Algeria either to limit or to restrict fundamental freedoms in any way.

## Article 6

## Right to remedies and reparation through the courts

141. Article 49 of the Constitution stipulates that: "judicial error calls for compensation by the State. The law determines the conditions and modalities of the compensation".

142. Article 151 of the Constitution provides: "the right of defence is recognized and is guaranteed in criminal cases". This guarantee is applicable to all stages of the procedure. On that basis, every accused person has the right to be present at his trial and to defend himself or to have the assistance of a lawyer. That is, however, a recognized "right" of the accused and not a sine qua non for the holding of the trial.

143. Any person whose rights have been violated may seek an appropriate remedy from the competent judicial authority. The procedure to follow will vary depending on the act or situation which led to the violation or denial of the right. Any person who claims to have had his or her rights violated may, by lodging a complaint, bring criminal indemnity proceedings before the competent judge. With regard to administrative proceedings, any individual claiming to have had his or her rights violated by the actions of a public authority may apply for discretionary or hierarchical remedy before applying for a judicial remedy to the competent administrative court, the Supreme Court, which has jurisdiction in:

(a) Annulment appeals for abuse of authority against decisions taken by the administrative authorities (article 231 of the Code of Civil Procedure);

(b) Annulment appeals against statutory or individual decisions taken by the administrative authorities (article 274, paragraph 2, of the same Code);

(c) Appeals for an interpretation or for a review of the legality of acts where such appeals are justiciable by the Supreme Court (article 274, paragraph 2, of the same Code).

144. In addition to the possibility of seeking reparation through civil or criminal proceedings open to all persons alleging injury, articles 25, paragraph 4, 531 bis and 531 bis, paragraph 1, of Act No. 86-05 of 4 March 1986 give all convicted persons subsequently declared innocent by the Supreme Court the right to obtain, either in person or through their assignees, damages to compensate for the moral or material injury caused by the conviction.

## Article 7

### Measures to promote understanding, tolerance and friendship among nations

145. Algeria was one of the countries to play a pioneering role in denouncing discriminatory policies and apartheid. By becoming party to the instruments designed to combat all forms of discrimination, it hopes to display its commitment to the ideals of liberty, humanism and solidarity. In addition to the International Convention on the Elimination of All Forms of Racial Discrimination, Algeria is a party to:

- the Convention against Discrimination in Education;
- ILO Convention No. 105 concerning the Abolition of Forced Labour;
- ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation;
- the International Convention on the Suppression and Punishment of the Crime of Apartheid;
- the International Convention against Apartheid in Sports;
- the Convention on the Elimination of All Forms of Discrimination against Women.

146. The organization of demonstrations and days of solidarity throughout the country is the best illustration of this commitment. African Liberation Day, the International Day of Solidarity with the Palestinian People and the various meetings arranged for annual days such as those for children and women, are celebrated with commemorative ceremonies. These activities are evidence, if any were needed, of Algeria's unreserved commitment to combating discrimination in all its manifestations and forms.

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